

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

QUINCY VAUGHN,)	
)	
Plaintiff,)	
)	
v.)	No. 4:19-CV-02566 JAR
)	
THOMAS GULLETT, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On July 8, 2021, the Assistant Missouri Attorney General moved to withdraw as counsel for Defendant Travis Pacheco on the grounds that Pacheco “is no longer covered by the Legal Expense Fund.” (Doc. No. 112). The Court directed counsel to provide proof that a copy of her motion was provided to Pacheco and ordered Pacheco to file any objection to counsel’s motion within seven days. (Doc. No. 113). Counsel provided the Court with proof that a copy of her motion was provided to Pacheco (Doc. No. 115) and Pacheco filed no objection to the motion. The Court granted counsel’s motion on July 27, 2021. (Doc. No. 123).

This matter is now before the Court on its own motion to reconsider its original Order granting the Attorney General leave to withdraw. The Court has reviewed the statutes which govern Missouri’s Legal Expense Fund and notes they do not address or provide for withdrawal of representation. Section 105.716.1 states “Any investigation, defense, negotiation, or compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by the attorney general,” subject to some exceptions not relevant here. Section 105.716.2 adds that “All persons and entities protected by the state legal expense fund shall cooperate with the attorneys conducting any investigation and preparing any defense under the provisions of sections 105.711


to 105.726 by assisting such attorneys in all respects, including the making of settlements, the securing and giving of evidence, and the attending and obtaining witness to attend hearings and trials. Funds in the state legal expense fund shall not be used to pay claims and judgments against those persons and entities who do not cooperate as required by this subsection.” None of the applicable statutes, R.S. Mo. §§ 105.711 to 105.726, address withdrawal by the attorney general, and the failure-to-cooperate provision only addresses payment of claims, and specifically prohibits the paying of any judgment against a non-cooperator. For these reasons, the Court finds no basis for the Attorney General’s Office to withdraw from representing Defendant Pacheco.

Accordingly,

IT IS HEREBY ORDERED that the Court’s order of July 27, 2021 [123] granting the Attorney General leave to withdraw is **VACATED**. The Attorney General filed an entry of appearance on behalf of Defendant Pacheco on August 21, 2020 [31]; as such, the Attorney General continues to represent Defendant Pacheco in this case.

IT IS FURTHER ORDERED that Defendants shall have **ten (10) days** from the date of this Order to file any supplement to their pending motion for summary judgment in light of the Court’s ruling.

Dated this 21st day of June, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE